



BOARD OF EXAMINERS FOR SOCIAL WORKERS

4600 Kietzke Lane. C121, Reno, Nevada 89502 775-688-2555

MINUTES OF BOARD MEETING

March 3, 2006

The meeting of the Board of Examiners for Social Workers was called to order by President Randy Reinoso at 9:03 a.m. at Clark County Social Services, 1600 W. Pinto Lane, Third Floor, Las Vegas, Nevada. President Reinoso noted that the meeting had been noticed properly and that the three members present constituted a quorum for the purposes of the Board meeting. A motion was made by Gil Johnstone and seconded by Amy Ellwood to approve the agenda as presented. At 9:06 Ann Coleman entered the room and at 9:10 Anne Rhu entered the room. All members were present by 9:10 a.m.

Members Present

Randy Reinoso, LSW President
Gil Johnstone, LASW Vice President
Ann Coleman, LASW Secretary-Treasurer
Amy Ellwood, LCSW Member
Anne Rhu, Public Member

Staff Present

Rosalind Tuana, Executive Director
Ray Kendall, LCSW (Via Telephone in Carson City)
Dawn Oaks, Court Reporter Laurie Webb & Assoc.
Henna Rasul, Deputy Attorney General (Via Telephone in Carson City)
Christine Guerri, Deputy Attorney General

Others Present

Mary Ann Salmon, LSW
David Weiner, Student
Warren Wheatley, LCSW

Disciplinary Matters

Disciplinary Hearing 9:00 a.m. Penny Kelly, LSW 3073-S (Expired)

Board Members Present: Randy Reinoso; Gil Johnstone; Anne Coleman; Amy Ellwood; Anne Rhu

Board Counsel: Christine Guerri, Deputy Attorney General

Respondent: Penny Kelly, LSW 3073-S Not Present

Respondent Counsel: None

Attorney for the State: Henna Rasul, Deputy Attorney General (Via telephone from Carson City)

Staff Present: Rosalind Tuana

Court Reporter: Dawn Oaks, Laurie Webb and Associates

This matter came before the Board at 9:10 a.m. and was recorded by a Dawn Oaks from Laurie Webb and Associates. The Respondent was not present. Henna Rasul noted that Ms. Kelly had been provided with appropriate notice.

The charges against Ms. Kelly were as follows:

1. Respondent engaged in inappropriate relationship with inmates at the North Las Vegas Women's Correction Center while she was employed by Corrections Corporation of America as a licensed social worker and after she terminated her employment with Corrections Corporation of America. (Counts I, II, III, IV, V, VI, VIII, & IX)
2. That, while a licensed social worker and employed at Corrections Corporation of America, respondent gave various gifts to inmates, including, but not limited to a ring to a mentally ill inmate. And after her employment as a licensed social worker at the facility had terminated, respondent agreed in a telephone call to send another inmate a picture of herself. (Counts I, II, III, IV, V, VI, VIII)
3. While a licensed social worker and employed at Corrections Corporation of America, respondent developed friendships with several of the inmates who were also her clients. Respondent maintained these relationships after her employment terminated. (Counts I, II, III, IV, & VI)
4. That after her employment terminated, respondent continued her professional relationships with inmates at the facility by providing services to some of the inmates through telephone and letter contact. (Counts I, IV, V & IV)
5. That, while a licensed social worker and employed at Corrections Corporation of America, respondent diagnosed and attempted to treat an emotional and/or behavioral disorder of an inmate at the facility. (Count III, V, VI, VII & VIII)
6. That, while a license social worker and employed at Corrections Corporations of America wrote in a letter on her personal stationary dated April 28, 2002, to the Board of Pardons, concerning Client A, states, "My interest is a professional one; I am a forensic social work/criminologist and family therapist..." and further indicates that "...{Client A] has been my client." (Count VII)
7. That, Respondent inappropriately discussed in detail on of here cases through a different agency, with an inmate. (Count IX)
8. Failure to comply with Amended Chapter 622 which states that respondent must submit within thirty days of notification a complete set of her fingerprints. (Count X)

Ms. Rasul noted that there were 10 counts filed against the respondent.

1. This conduct violates NRS 641B.400(5), professional incompetence, which is defined at NAC 641B.225 to mean a lack of knowledge skill or ability in discharging a professional obligation and includes malpractice and gross negligence. (Count I)
2. This conduct violates NAC 641B.200(8) which states that a licensee shall terminate services to a client when the service and relationship are no longer required or no longer serve the needs or interest of the client. NAC 641B.220 states that licensee who violates any of the provisions of NAC 641B200 to 641B.215 is guilt of unprofessional conduct. (Count II)
3. This conduct violates NAC 6541B.205(13) which states that a licensee shall not solicit or enter into a dual relationship with a client, intern, or person who is supervised by the licensee for a at least 2 years after the termination of the professional relationship. NAC 641B.220 states that licensee who violates any of the provisions of NAC 641B200 to 641B.215 is guilt of unprofessional conduct. (Count III)
4. This conduct violates NAC 641B.200(6) which states that a licensee is responsible for setting and maintaining professional boundaries with (a) each client. NAC 641B.220 states that licensee who violates any of the provisions of NAC 641B200 to 641B.215 is guilt of unprofessional conduct. (Count IV)
5. This conduct violates NAC 641B200(11) which states that a licensee shall base his practice upon recognized knowledge relevant to social work. NAC 641B.220 states that licensee who

- violates any of the provisions of NAC 641B.200 to 641B.215 is guilty of unprofessional conduct. (Count V)
6. This conduct violates NAC 641B.205(1) which states that a licensee shall practice social work with professional skill and competence. NAC 641B.220 states that licensee who violates any of the provisions of NAC 641B.200 to 641B.215 is guilty of unprofessional conduct. (Count VI)
 7. This conduct violated NAC 641B.200(2) which states that a licensee shall not misrepresent, directly or by implication, his own professional qualifications, competency, affiliations and licenses. NAC 641B.220 states that licensee who violates any of the provisions of NAC 641B.200 to 641B.215 is guilty of unprofessional conduct. (Count VII)
 8. This conduct violates NRS 641B.400(5), professional incompetence, which is defined at NAC 641B.225 to mean a lack of knowledge skill or ability in discharging a professional obligation and includes malpractice and gross negligence. (Count VIII)
 9. This conduct violates NAC 641B.210(3) which states that except as otherwise provided by law, information deemed to be confidential pursuant to subsection 1 must not be communicated to others without the client's consent unless there is a clear and immediate danger... (Count IV)
 10. This conduct violates amended Chapter 622 which states that if a regulatory body initiates disciplinary proceedings against a licensee pursuant to Chapter 622, the licensee shall submit within 30 days after receipt of the notification, a complete set of his fingerprints... (Count X),

Respondent is subject to discipline pursuant to NRS 641B.400(10 for unprofessional conduct. (Counts I through X)

- A. , Respondent is subject to discipline pursuant to NRS 641B.400(10 for unprofessional conduct. (Count V)

The Board heard testimony for the prosecution from Rosalind Tuana, Executive Director of the Board of Examiners for Social Workers and Ray Kendall, LCSW, Investigator in this matter. Ten (10) Exhibits were accepted.

The Board entered into closed session to discuss the matter. Upon returning from closed session and after further discussion, a motion was made by Anne Rhu and seconded by Amy Ellwood to find the respondent guilty of all ten counts. Motion passed unanimously.

After further discussion, a motion was made by Amy Ellwood and seconded by Ann Coleman to revoke the respondent's expired Social Worker License, number 3073-S. Additionally, the Board indicated that the respondent shall be issued a public reprimand, pay all attorney fees and costs incurred by the Board and pay a fine of \$1000 per count up to the maximum fine of \$5,000.00 allowed by statute within 90 days. The findings shall be reported to DARS and any national data bank required by law, including, but not limited to the United Kingdom and Ireland. Motion passed unanimously.

President Reinoso thanked all the participants and indicated that the hearing was adjourned. He referred everyone to the Deputy Attorney General's Report on the agenda.

Deputy Attorney General Report

Ms Rasul indicated that she had no further comments for this meeting. She noted that she would be leaving the meeting at this point.

Presiding Officer's Report

President Reinoso noted that in this first meeting as president there was a disciplinary hearing. It was a bit like trial by fire. He is looking forward to being President of the Board and realizes that he has big shoes to fill. He looks forward to having a retreat with the Board in the near future.

Policy and Procedures

Review, discuss, amend and approve, table or deny amended policy for "Yes" answers on applications for initial licensure, renewal, restoration, or reinstatement.

The Executive Director presented the Board with a proposed policy for "Yes" answers on application for initial licensure, renewal, restoration, or reinstatement. She noted that the Board has seen an increase in Board Appearance for issues that may be better resolved through such a policy. Currently at least 5 people need to appear in front of the Board for items that do not necessarily directed relate to their practice. She contacted other Boards to see what their policies on answers relating to misdemeanors such as initial DUI's, shoplifting, and other items. The Nursing Board's policy was particularly well written so the Executive Director revised the policy to fit this Board particular need. She recommended that the Board consider this policy. After review and further discussion, a motion was made by Amy Ellwood and seconded by Ann Coleman. Motion passed unanimously.

Executive Director's Report

Set New Meeting Date for April, 2006

After discussion, the Board determined that the next meeting date would be a videoconference on April 14. The Executive Director reminded the Board members that they would probably need to hold a meeting also in May.

Other matters of interest to the Board

The Executive Director indicated that she had no other matters to discuss.

Public Comment

There was no public comment.

Adjournment

ACTION: A motion was made by Gil Johnstone and seconded by Ann Coleman to adjourn the meeting at 11:30 a.m. Motion passed unanimously.

Respectfully prepared by

Rosalind Tuana
Executive Director